

Domestic Violence Response: Best Practices for Law Enforcement in Maine



I. INITIAL RESPONSE

- A. Secure the scene and restore order
- B. Locate parties upon arrival and *separate them*
- C. Secure all weapons
- D. Assess medical needs of parties
- E. *Note excited utterances*—exact words by all parties including children, and all parties' emotional and physical condition

II. AT-SCENE INVESTIGATION

A. Interviews—video or audiotape preferred

1. Victim and Suspect

- a. Interview twice to test consistency of statements—determine what occurred with detailed description of the crime(s)
- b. *Determine history of abuse*—include convictions, arrests, time in jail, undocumented/unreported acts of abuse, and any other dynamics of power and control observed at scene
- c. Note offender risk factors for dangerousness—stalking behaviors, victim fears offender, escalating violence, victim pregnant, multiple law enforcement involvement, access to weapon, substance abuse, threats to kill self/others/children, cruelty to animals, depression/mental illness, recent separation/divorce in relationship, PFA/PFH order in effect
- d. Check NCIC for warrants and PFA orders

2. Children (in the home, even if not present at the scene)

- a. Names and dates of birth
- b. Current/historical abuse that the children have witnessed
- c. Talk to children about their safety

3. Other witnesses at the scene

- a. Family b. Friends c. Neighbors

B. Make the predominant aggressor determination

1. *Investigate possibility of self-defense by either party*

- 2. Note the relative strength of each party
- 3. Note the nature and severity of any injuries—look for self defense injuries
- 4. Determine credibility and ability
- 5. Determine the history of abuse and likelihood of future harm

C. *Obtain written statements at the scene—do not leave affidavits to be filled out later*

1. *Record or document suspect's statement*

- 2. Record or document victim's statement
- 3. Determine where suspect lived previously—to locate priors and determine felon status
- 4. Obtain name/contact info. of someone who always knows how to reach victim

D. *Collect and Preserve All Relevant Evidence*

1. *Photograph the crime scene*

- a. All parties including children to show injury and demeanor—for use at bail hearings, trial, sentencing
- b. Property damage

- 2. Seize weapons used
- 3. Collect damaged property
- 4. Collect other pertinent physical evidence—hair, blood, torn clothing, etc.

E. *Possible actions at the scene*

1. *Arrest*

- 2. Serve trespass/harassment notice
- 3. Transport for medical attention
- 4. Obtain medical release from victim
- 5. Complete jail phone block form with victim
- 6. Provide referral information for PFA/PFH order
- 7. Provide referral information for local domestic violence project, sexual assault center, and/or batterers intervention program
- 8. Complete victim consent form to have domestic violence advocate make follow-up contact with victim

III. REPORT WRITING CHECKLIST

- A. Note who called the police
- B. Note the names, dates of birth, and relationship between parties—note elder abuse and gay/lesbian/bisexual/transgender
- C. Note the times of the incident, arrival, and statements—for excited utterance purposes
- D. Describe the scene/all crimes—note occurrence of strangulation**
- E. Describe injuries, medical attention, and emotional states of parties
- F. Note the use of weapons
- G. Note alcohol/drug use
- H. Note bail status and conditions, probation status and conditions, and PFA/PFH order status and conditions
- I. Victim and suspect statements
- J. Information from children and other witnesses
- K. Photographs and other relevant evidence
- L. Probable cause determination for each arrested party
- M. Attach criminal records checks—SBI, Triple-I

IV. FOLLOW-UP

A. Bail

1. **Give bail commissioner detailed information** including victim's name, date of birth, address and phone number, exact relationship to offender, history of domestic violence, and any probation, bail, or PFA order conditions
 2. Ask for appropriate bail conditions—for example: no contact direct or indirect with the victim, no returning to residence, no possession/consumption of alcohol or drugs, no possession of firearms
- B. Notify victim upon receiving information from correctional facility re: suspect's release
 - C. Advise local domestic violence investigator of the case
 - D. Collect 911 tape and other audio/video evidence
 - E. Follow-up with victim and take additional photographs of injuries
 - F. Interview and obtain written statements from EMTs—including run sheets—and communications officers/dispatchers
 - G. Obtain medical records and ER photographs
 - H. Deliver victim consent form to domestic violence project for follow-up contact
 - I. Refer to victim-witness advocate for follow-up contact
 - J. Report to DHS—Child or Adult Protective Services
 - K. Follow up for federal prosecution

This Best Practices Card was created by "Peace In Our Families"—a collaborative of representatives from statewide domestic violence task forces—and has been endorsed by the following groups: Maine Chiefs of Police Association, Maine Coalition Against Sexual Assault, Maine Coalition to End Domestic Violence, Maine Commission on Domestic and Sexual Abuse, Maine Prosecutors Association, Maine Sheriffs Association, Maine State Police, Office of the Attorney General, Office of the U.S. Attorney. The template for this card is available from the Maine Criminal Justice Academy—revised 1/03